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August 8, 2024

**VIA IZIS**

Anthony J. Hood, Chairman  
Zoning Commission for the District of Columbia  
441 Fourth Street, NW, Suite 200S  
Washington, DC 20001

**Re: Z.C. Case No. 23-24: Applicant's Final Proposed Proffers and Conditions**

Dear Chairman Hood and Commissioners:

Pursuant to the requirements of Subtitle X § 308.6, the Applicant hereby submits its list of revised and final proffers and corresponding conditions of approval. Set forth below is a chart outlining the proffers for the above-referenced project and the corresponding draft condition that is both specific and enforceable and reflects revisions made in response to comments received from the Office of Zoning Legal Division (“OZLD”). In addition, attached as Exhibit A is a redline document showing OZLD’s requested changes. Specifically, the Applicant:

- Incorporated additional detail into the affordable housing conditions; and
- Additional language in the transportation mitigation conditions to clarify the number of bicycle parking spaces proposed for the Project.

Public Benefits	
Proffer	Condition
<b><u>Superior Urban Design and Architecture (11-X DCMR § 305.5(a))</u></b> : The Project’s high-quality design carefully echoes and respects the traditional rowhome design qualities of the existing residential development in the surrounding neighborhood to create a natural extension of the residential community in which the Property is located.	1. The Project shall be built in accordance with the plans and elevations dated April 5, 2024 (Ex. 13A), as updated by the plans dated July 18, 2024 (Ex. 34) (collectively, the “ <b>Final Plans</b> ”), and as modified by the guidelines, conditions and standards herein.  2. The Property shall be developed with a

<p><b><u>Superior Landscaping (id. § 305.5(b)):</u></b> The Project features richly planted gardens on the north side of the Property and includes extensive tree and other landscape plantings throughout the site.</p>	
<p><b><u>Site Planning and Efficient Land Utilization (id. § 305.5(c)):</u></b> The Project introduces residential use on a currently underutilized parcel within the center of the square that is walkable to transit and proximate to the District’s commercial core. The Project leverages the access provided by 1<sup>st</sup> Street NE and the existing alley network while maximizing green space and preserving privacy for both the new residents of the Project and the existing rowhomes on the north side of R Street NE.</p>	<p>residential building with approximately 27 units and having a height of approximately 34 feet and FAR of approximately 1.86.</p> <p>3. The Project shall be developed pursuant to the RA-2 Zone District, as permitted through a PUD, except as set forth herein or modified hereby as shown in the Final Plans, and with flexibility from the penthouse single enclosure requirements of Subtitle C § 1503.1 and the IZ unit location requirements of Subtitle C § 1005.5 in order to locate the IZ units on the east side of the Project.</p> <p>4. The Project shall provide a minimum of fifteen (15) units with three bedrooms or more.</p>
<p><b><u>New Housing (id. § 305.5(f)):</u></b> The Project will provide a substantial amount of new for-sale housing relative to the size and context of the site, totaling 27 units (11 of which are accessory apartments), including fifteen (15) units with three or more bedrooms, contributing to the supply of family-sized housing units in the area and the District as a whole.</p>	
<p>5. The Project shall have design flexibility as follows:</p> <ul style="list-style-type: none"> <li>a. <u>Interior Components.</u> Interior partitions and configurations may vary upon final construction drawings so long as they do not modify the exterior configuration or appearance of the building.</li> <li>b. <u>Exterior Materials – Color.</u> To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the plans approved by the order.</li> <li>c. <u>Exterior Details – Location and Dimension.</u> To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the order. Examples of exterior details include, but are not limited to, doorways, canopies, railings, and skylights.</li> <li>d. <u>Streetscape Design.</u> To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division.</li> </ul>	

<p>e. <u>Signage</u>. To vary the final design of the signage for the Project, subject to full compliance with applicable signage restrictions under the D.C. Building Code and consistent with the indicated dimensions.</p> <p>f. <u>Residential Units</u>. The Applicant is granted flexibility from Subtitle C § 1005.5 to shift the distribution and locations of the IZ units as the floor plans are refined, so long as their location and distribution continues to meet the requirements of Subtitle C, Chapter 10 of the Zoning Regulations, except for the flexibility from Subtitle C § 1005.5 granted by the Zoning Commission.</p> <p>g. <u>Sustainable Features</u>. The Applicant is granted flexibility to vary the features, means and methods of achieving the proffered GAR and LEED Gold standards.</p>					
<p><b><u>Affordable Housing in Excess of Inclusionary Zoning Requirements (id. § 305.5(g))</u></b>: The Project sets aside a minimum of 10.75% of the residential gross floor area for Inclusionary Zoning with all three (3) IZ units reserved at 60% of Median Family Income (“MFI”).</p>			<p>6. <b><u>For the life of the Project</u></b>, the Applicant shall set aside no less than approximately 10.75% of the residential gross floor area as affordable housing.</p> <p>7. <b><u>For the life of the Project</u></b>, the Applicant shall reserve two (2) three-bedroom units at no more than 60% MFI and one (1) two-bedroom plus den unit at no more than 60% MFI.</p> <p>8. <b><u>For the life of the Project</u></b>, the affordable housing for the Project shall be administered by the DC Department of Housing and Community Development through the Inclusionary Zoning (“IZ”) program. The affordable housing shall comply with all development standards, tenancy regulations and implementation requirements for IZ units as set forth in DCMR Chapter 10 of Title 11-C and Chapter 22 of Title 14.</p> <p>9. <b><u>For the life of the Project</u></b>, the Inclusionary Zoning units in the Project shall be in accordance with the following chart, subject to the flexibility noted herein: <i>[see chart below]</i></p>		
Residential Unit Type	Residential GFA/% of Total	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total	51,796 sf		Life of Project	For-Sale	NA
Market Rate	46,228 sf	Market	Life of Project	For-Sale	NA

IZ	5,568 sf / ~10.75%	3 units at 60% MFI	Life of Project	For-Sale	NA
The Inclusionary Zoning Covenant required by D.C. Official Code § 6-1041.05(a)(2) (2012 Repl.) shall include a provision or provisions requiring compliance with all the terms of this Condition.					
<b><u>Environmental and Sustainable Benefits (id. § 305.5(k)):</u></b> The Project is designed to meet environmental design standards at the LEED Gold level, and the Project will achieve a GAR that exceeds the minimum 0.4 requirement by at least 0.1.			8. <b><u>Prior to the issuance of a final certificate of occupancy for the Project,</u></b> in accordance with the requirements in Subtitle X § 305.5(k)(5), the Applicant shall provide the Zoning Administrator with evidence that the Project will meet the minimum standards necessary for LEED Gold certification, but the Project does not need to achieve actual LEED certification.		
			9. <b><u>Prior to the issuance of a building permit for the Project,</u></b> the Applicant shall submit evidence the Zoning Administrator with evidence that the Project achieves a minimum GAR of 0.5.		
<b><u>Other Public Benefits (X § 305.5(r)):</u></b> The Applicant will provide the below additional public benefits consisting of traffic calming measures to be installed subject to DDOT approval: <ul style="list-style-type: none"> <li>• Install two (2) TAPCO speed bump assemblies in the east-west public alley abutting the Property with a gap of at least two (2) feet provided between the speed bumps and with no speed bump placed directly in front of an existing or future driveway;</li> <li>• Provide striped parking boxes along the east side of Lincoln Road NE;</li> <li>• Add intersection daylighting at the crosswalks at R Street NE and Randolph Street NE; and</li> </ul>			10. <b><u>Prior to issuance of the final Certificate of Occupancy for the Project,</u></b> the Applicant shall provide evidence to the Zoning Administrator demonstrating completion of the following public space improvements subject to DDOT approval: <ul style="list-style-type: none"> <li>a. Install two (2) TAPCO speed bump assemblies in the east-west public alley immediately south of the Property with a gap of at least two (2) feet provided between the speed bumps and with no speed bump placed directly in front of an existing or future driveway;</li> <li>b. Provide striped parking boxes along the east side of Lincoln Road NE;</li> <li>c. Add intersection daylighting at the crosswalks at R Street NE and Randolph Street NE; and</li> <li>d. Install one (1) additional one-way sign at the east-west alley entrance on</li> </ul>		

<ul style="list-style-type: none"> <li>• Install one (1) additional one-way sign at the east-west alley entrance on Lincoln Road NE;</li> </ul>	Lincoln Road NE;
<b>Transportation Mitigation</b>	
<p>1. <b><u>Prior to issuance of the final Certificate of Occupancy for the Project and for the life of the Project</u></b>, the Applicant shall adhere to the following Transportation Demand Management plan measures:</p> <ul style="list-style-type: none"> <li>a. Provide welcome packets to all new residents that, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map. Brochures can be ordered from DDOT’s goDCgo program by emailing info@godcgo.com.</li> <li>b. Provide a SmarTrip card and one (1) complimentary Capital Bikeshare coupon good for a free ride to every new resident for initial sale.</li> <li>c. Provide at least one (1) short- and nine (9) long-term bicycle parking spaces in accordance with ZR16 minimums. The current plan proposes 13 long-term and 14 short-term spaces across the site.</li> </ul>	
<b>Miscellaneous</b>	
<ol style="list-style-type: none"> <li>1. No building permit shall be issued for the Project until the Applicant has recorded a Notice of covenant binding the Property in the land records of the District of Columbia by the Applicant for the benefit of the District of Columbia that is satisfactory to the Office of Zoning Legal Division and to the Zoning Administrator (the “PUD Covenant”). The PUD Covenant shall bind the Applicant and all successors in the title to construct and use the Property in accordance with this Order, as may be amended by the Commission. The Applicant shall file a certified copy of the PUD covenant with the Office of Zoning.</li> <li>2. The Applicant shall file an application for building permit for the Project within two (2) years of the effective date of this Order, and construction must begin with three (3) years from the effective date of this Order.</li> <li>3. In accordance with the DC Human Rights Act of 1977, as amended, DC Official Code § 2-1401.01 et al (Act), the District of Columbia does not discriminate on the basis of actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identify or expression, familial status, familial responsibilities, matriculation, political affiliation, genetic information, disability, source of income or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the</li> </ol>	

above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

The Applicant looks forward to the Commission's final action on this matter. Please feel free to contact the undersigned with any questions.

Respectfully submitted,

/s/ Cary R. Kadlecek  
Cary R. Kadlecek

/s/ Lawrence Ferris  
Lawrence Ferris

Enclosures

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## **CERTIFICATE OF SERVICE**

I certify that on or before August 8, 2024, a copy of the foregoing document and attachments were delivered via e-mail to the addresses listed below.

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